



Express Mail No.: EL 501 640 370 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Xu et al.

Application No.: 09/026,459

Group Art Unit: 1632

Filed: February 19, 1998

Examiner: R. Shukla

For: MODIFIED RETINOBLASTOMA  
TUMOR SUPPRESSOR PROTEINS

Attorney Docket No.: 8660-025

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated December 22, 2000 of the Primary Examiner finally rejecting claims 1-34, 36, 37 and 44-48 of the above-identified application.

The item(s) checked below are appropriate:

1.  An extension of time for responding to the final rejection for three (3) month(s):  
 was filed on  
 is submitted herewith.
2.  A timely response to the final rejection has been filed.
3.  A fee in the amount of \$310.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
4.  Applicant has qualified for the 50% reduction in fee for an independent inventor, non profit organization or small business concern and a fee in the amount of \$155.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
5.  Please charge the required fee, if any, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

*Brian M. Poissant* *REC'D  
40-203* 28,462  
Brian M. Poissant (Reg. No.)

Date June 22, 2001

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